

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Seed Law is amended by adding
5 Sections 2.1445 and 2.1446 and by changing Section 7 as
6 follows:

7 (505 ILCS 110/2.1445 new)

8 Sec. 2.1445. Seed library. "Seed library" means a
9 nonprofit, governmental, or cooperative organization,
10 association, or activity for the purpose of facilitating the
11 donation, exchange, preservation, and dissemination of seeds
12 of open pollinated, public domain plant varieties by or among
13 its members or members of the public when the use, exchange,
14 transfer, or possession of seeds acquired by or from the seed
15 library is free of charge or consideration.

16 (505 ILCS 110/2.1446 new)

17 Sec. 2.1446. Non-commercial seed sharing. "Non-commercial
18 seed sharing" means seed sharing for which no monetary
19 consideration or compensation is transferred in return for
20 receiving seeds. A person participating in non-commercial seed
21 sharing may not expect, or create the expectation, that seeds
22 must be returned in exchange for receiving seeds, nor may such

1 distribution of seed be given as compensation for work or
2 services rendered.

3 (505 ILCS 110/7) (from Ch. 5, par. 407)

4 Sec. 7. Exemptions.

5 (a) The provisions of Sections 4 through 4.5 and Sections 5
6 and 5.1 do not apply:

7 (1) To seed or grain not intended for sowing purposes.

8 (2) To seed in storage in, or being transported or
9 consigned to a cleaning or conditioning establishment for
10 cleaning or conditioning, provided, that the invoice or
11 labeling accompanying any shipment of said seed bears the
12 statement "seed for conditioning"; and provided that any
13 labeling or other representation which may be made with
14 respect to the uncleaned or unconditioned seed shall be
15 subject to this Act.

16 (3) To any carrier in respect to any seed transported
17 or delivered for transportation in the ordinary course of
18 its business as a carrier; provided, that such carrier is
19 not engaged in producing, processing, or marketing
20 agricultural, vegetable or other seeds designated by the
21 Department of Agriculture subject to the provisions of this
22 Act.

23 (b) The provisions of Sections 4, 4.4, 4.5, 6, and 10, and
24 of paragraphs (1), (2), (3), (4), (5), (8), and (11) of Section
25 5, do not apply to unpatented, untreated seed that is free of

1 noxious and exotic weed seeds and that is distributed within
2 this State by means of interpersonal noncommercial seed sharing
3 activities, including, but not limited to, seed libraries and
4 seed swaps. A seed library may adopt labeling or record-keeping
5 standards to identify the date, species or common name, and
6 source of the seed received by the seed library, and shall make
7 this information available to the Department upon request in
8 the course of an investigation of an alleged violation of the
9 provisions in this Act.

10 (Source: P.A. 85-717.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.